SINGLE BENCH

(4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 881 ***OF 2006***

PETITIONER :

P.R. No. 951/06
Presented by Shri Sunil Sahu
dated 21.12.06

Raghubir Singh S/o Shri Shyam Lal , aged about 35 years, occupation Ex. Panchayat Secretary, Gram Panchayat Manwari, Tahsil Manendragarh District Korea (CG).

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, through Secretary, Panchayat Department, D. K. S. Building, Raipur (C.G.)
2. The Deputy Director, Panchayat and Samaj Sewa , District Korea (CG).
3. Sub Divisional Officer, (Revenue) Manendragarh, District Korea (CG).
4. Chief Executive Officer, Janpad Panchayat Manendragarh, District Korea (CG).
5. Sarpanch, Gram Panchayat Maniwari District Korea (CG).

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WRIT PETITION U/A 226/227 OF THE CONSITITUTION OF INDIA

XI-HC-22

(39)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... WP 881/06 ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2-3-2006.

Shri Awadh Tripathi, counsel for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate for the State.

Heard.

Learned counsel for the petitioner submits that the petitioner was appointed on 19-11-1995 (Annexure-P/1) as Panchayat Karmi. He further submits that petitioner was regularized on 30-10-1999 and was given the additional charge of Panchayat Secretary. Learned counsel submits that vide proceedings of Gram Sabha meeting dated 27-6-2003 (Annexure-P/3) it was proposed to remove the petitioner from his services and in view of the meeting of Gram Sabha the respondent No.2/Deputy Director, Panchayat & Samaj Seva, District Koriya issued the removal order dated 30-8-2003 (Annexure-P/4). Learned counsel referred to circular dated 6-10-2001 (Annexure-P/2) and submits that in case any disciplinary proceedings initiated against the Panchayat employee the provision of Panchayat Service Discipline and Appeal Rules 1999 should be implemented. Shri Tripathi, learned counsel appearing for the petitioner, submits that the petitioner is a poor person and he could not take any steps.

Learned counsel for the State submits that the order is appealable under Section 15 of the Adhiniyam before the Director, Panchayat.

At this stage, learned counsel for the petitioner submits that the petitioner may be permitted to prefer an appeal before the Director, Panchayat.

(पीछे देखिये

XI-HC-22

(48)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... WP 881/06 ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The prayer is not opposed by the State counsel.

Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to prefer an appeal against the removal order before the Director, Panchayat within a period of two weeks from today and on such appeal being preferred, the Director, Panchayat, shall decide the same on its own merits in accordance with law.

With the aforesaid observations, this petition stands disposed of.

Consequently, M.(W.)P. No.689/2006 and I.A. No. 2236/2006 also stand disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Gowri

(पीछे देखिये

9.3.06
10/3/06